

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STACEY VETTER §
§ Case No. H-12-2316
v. §
§ Magistrate Judge Frances Stacy
CHRISTINE McATEE, et al §

INSIGNIA MARKETING, INC. §
§ Case No. H-13-2563
v. §
§ Magistrate Judge Frances Stacy
STACEY VETTER §
§
v. §
§
CHRISTINE McATEE §

AMENDED NOTICE OF APPEAL

Notice is hereby given that Insignia Marketing, Inc. (“Insignia”), Plaintiff/Counter-Defendant in the above named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the following portions of the Final Judgment entered in this action on September 10, 2015 (Doc. 215):

- trademark infringement under the Lanham Act,
- trademark infringement under Texas common law,
- the award of no damages against Defendant Vetter for willful false advertising,
- the cancellation of the COMMUNICAT-R trademark registration on the grounds of fraud on the Patent and Trademark Office and non-use,
- the finding of abandonment of the COMMUNICAT-R trademark, and
- the award of no punitive damages against Defendant Vetter.

Insignia also appeals the portion of the Order entered on November 2, 2015 (Doc. 239) denying Insignia's request for a partial new trial (Doc. 225).

Date: November 24, 2015

RESPECTFULLY SUBMITTED

/s/ Jessica A. Ekhoff

Phillip Barengolts (IL. Bar No. 6274516) (admitted *pro hac vice*)
Jessica A. Ekhoff (IL. Bar No. 6308953) (admitted *pro hac vice*)
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP
200 S. Wacker Drive, Suite 5000
Chicago, Illinois 60606
Telephone: 312-554-8000
pb@pattishall.com
jae@pattishall.com

**ATTORNEYS FOR CHRISTINE MCATEE
AND INSIGNIA MARKETING, INC.**

Phil Griffis
State Bar No. 0876400
Federal Bar No. 10528
2525 Bay Area Blvd., Suite 195
Houston, TX 77058
THE LAW OFFICE OF PHIL GRIFFIS
Telephone: (832) 284-4013
Facsimile: (713) 493-7253
Email: pgriffis@griffislawfirm.com

ATTORNEY FOR CHRISTINE MCATEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 24th day of November 2015 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by hand-delivery, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Jessica A. Ekhoff